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UNITED STATES DISTRICT COURT

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DATE 6.27.05

WESTERN DISTRICT OF LOUISIANA

LAFAYETTE-OPELOUSAS DIVISION

EARLIS GREEN

*

CIVIL ACTION NO. 04-1594

VERSUS

*

JUDGE MELANÇON

COMMISSIONER OF SOCIAL
SECURITY

*

MAGISTRATE JUDGE HILL

JUDGMENT

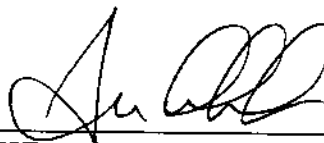
This matter was referred to United States Magistrate Judge C. Michael Hill for Report and Recommendation. After an independent review of the record, and noting the absence of any objections, this Court concludes that the Report and Recommendation of the Magistrate Judge is correct and adopts the findings and conclusions therein as its own.

Accordingly, **IT IS ORDERED, ADJUDGED AND DECREED** that the Commissioner's previous administrative decision is **REVERSED** and this action is **REMANDED** to the Commissioner for further administrative action pursuant to the fourth sentence of 42 U.S.C. § 405(g).⁴ This includes, but does not limit, sending the case to the hearing level with instructions to the Administrative Law Judge to obtain

⁴A fourth sentence remand constitutes a "final judgment" that triggers the filing period for an EAJA fee application. Shalala v. Schaeffer, 509 U.S. 292, 113 S.Ct. 2625, 2631 (1993); Freeman v. Shalala, 2 F.3d 552 (5th Cir. 1993).

a consultative examination to determine claimant's residual functional capacity and to perform further testing if needed. Claimant shall be afforded the opportunity to submit additional evidence and to testify at a supplemental hearing, and the ALJ should call a vocational expert, if necessary.

Lafayette, Louisiana, this 16th day of June, 2005.



TUCKER L. MELANÇON
UNITED STATES DISTRICT JUDGE

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BY [Signature]
TO TLN